

The Carleton Observer

VOL. XIV, NO. 22

\$2.00 a Year

HARTLAND, N. B. NOVEMBER 9, 1932

Single Copies 5 Cents

WHOLE NO. 941

HANGMAN NOT DRUNK, SAY WITNESSES

Cut Down While Still Alive and While Doctors Were Testing—No Orders Given to Have the Rope Severed

Dramatic details of the circumstances surrounding the execution of Benjie Swin on October 6, the bungling of which has aroused such feeling throughout the country were related by witnesses at the opening session of a special enquiry ordered by Hon. J. P. Byrne, Attorney-General, with J. Bacon Dickson of Fredericton presiding. Sheriff A. R. Foster, represented by Hon. W. P. Jones, K. C., told of his efforts to arrange the details of the execution. He swore there was no disorder in the jail on the night of the execution and said that as to the conduct of Doyle, the hangman, he was not under the influence of liquor but that he exceptionally loud talking accounted for the prevailing impression that he was drunk.

Dr. Thomas Griffin, official jail physician, bore out Sheriff Foster's explanation in this regard. Deputy Sheriff H. V. Moore was on the stand when adjournment was made for lunch.

T. C. L. Ketchum is appearing for the Prisoners' Welfare League. Only a handful of spectators were present. Previous to the calling of the first witness Mr. Jones called the attention of the commission to Stewart's volume of Blackstone in which it was stated that if a man revived after a hanging he was to be taken back and hanged again.

Dr. Thomas W. Griffin, the first witness, said he had been a practicing physician in and around Woodstock for twenty-five years. Asked to relate what happened he said he went to the jail in response to a telephone call from the Sheriff about 4.30 o'clock.

Swin was in the cell and there he saw the hangman, Gill and Doyle. The condemned man was taken from the cell to the gallows by Deputy Sheriff Moore and the hangman. He saw nothing of the execution till afterwards he saw Swin hanging in the enclosure below the platform. Dr. Grant, Dr. Macintosh and a Montreal doctor, the two hangmen, the deputy sheriff and the death watch, he noticed gathered around the body.

The witness said he examined Swin's heart, it was still beating. As he passed the stethoscope to Dr. Grant and was feeling the pulse the man was cut down and Mr. Moore helped to lower him to the ground. The rope was cut about a foot and a half above his head. It could not be reached by a person standing on the ground. He saw Gill standing on a ladder in the enclosure, Gill was in the position where he could have cut the rope.

Doyle said, "he is as dead as a door nail." This was a few minutes before he was cut down. None of the doctors pronounced Swin dead at that time. He observed that Swin was breathing slightly when laid on the couch. He did not notice how the rope was tied. It did not break his neck. Had the neck been broken he could not have lived but a few minutes. About an hour later Swin was taken out and hanged again. During that time the witness had discovered that it was only a dislocation of the neck.

He advised the Sheriff that it was necessary to hang the man over again. The other doctors agreed among themselves that he would live. He would not say that Doyle was under the influence of liquor. He talked loudly, using smooth language. He struck him as being a tough rather than being drunk. His conduct toward Swin was peculiar. Swin asked him if he was going to execute him and Doyle replied, "For the guy." Doyle added that Swin should brace up as it would all be over soon.

On the second examination he found Swin after hanging for about fifteen minutes had had his neck completely broken. He heard no other doctor order Swin to be cut down. There was no drunkenness noticed by him around the jail that night. In reply to Mr. Ketchum he agreed that it was his duty to see that the man was dead before being cut down.

Dr. Grant, Dr. Macintosh and himself had examined Swin with the stethoscope. Dr. Grant was listening when the man was cut down. He agreed there was a chance of complete recovery. He thought Doyle's conduct was natural. It was a pure exaggeration that Doyle's remarks were revolting. Doyle's remarks were addressed to the minister mostly. The second hanging was performed by Gill. To the commissioner, the witness, he said emphatically that Doyle was not intoxicated. There was no disorder or

confusion among the officials.

Sheriff Foster, the next witness detailed the preliminary arrangements. He did not notice any liquor about Doyle. Doyle and Gill went to the scaffold with the condemned man. When half way up the scaffold, he heard Bennie pray. He did not hear Doyle say anything. Gill, he thought, said "You will meet him soon." The witness then said he retired to his office until called by the deputy sheriff. He took Doyle back to his office, where the hangman assured him that everything was all right. "That's a good job," said Doyle in a loud toned voice.

When they brought Swin in he conferred with the doctors. Dr. Griffin informed him that his pulse was getting stronger. He consented to a second hanging. Swin was carried up to the scaffold in an unconscious condition.

To his attorney, he said he was never down in the enclosure. He knew nothing of what happened there. The coroner's jury held a short session and the body was delivered to the relatives. He had done everything possible. There was nothing to all the loose talk around the country regarding the hanging.

To Mr. Ketchum, the sheriff said the Montreal officials had informed him that he could not secure saints to do the job. Doyle said he had been down south hanging colored people. Sheriff Foster said he was inclined to doubt this. He saw no staggering on Doyle's part.

To Mr. Dickson the sheriff said that he had received orders from the minister of justice to carry out the sentence but no official instructions as to how it should be done.

Two witnesses were heard at the short morning session. S. L. Lynott, editor of the Carleton Sentinel, and Owen Kelly, chief of police, here swore there was no disturbance around the jail on the night of the execution. Mr. Lynott said he had talked with Doyle about twenty-five minutes late Thursday evening and found him perfectly sober.

T. C. L. Ketchum, representing the Canadian Prisoners' Welfare League, declared in his opening remarks at the afternoon session that the evidence adduced clearly showed that no reflection could be cast on Sheriff Foster, who was unexcelled in the province.

"A man of tender heart, the hanging of Bennie Swin had greatly bothered him and caused him considerable worry," said Mr. Ketchum.

Concerning the C. P. W. L., Mr. Ketchum explained that at its head was Robert Richardson, former M. P. of Montreal, a man who had consistently advocated the abolition of capital punishment in the dominion. The backers of the league, he declared, held Mr. Richardson's view and in addition to its immediate objective, the league also tended to the welfare of all prisoners insofar as it was able to do so.

Sheriff Foster, he said, had obtained the services of Doyle, on the recommendation of responsible Montreal officials and it was hardly the sheriff's fault that such negligence had been shown by Doyle, who, the evidence showed, was under the influence of liquor.

"If Doyle were not intoxicated," declared counsel, "he certainly did not perform his duty in an efficient manner. It was his duty as to adjust the noose and spring the trap that the neck would not be broken at the first fall. The evidence proves that this was not done." The body, he went on, was cut down fully ten minutes before the allotted time.

The hanging, he declared, was a shock to the public mind and he earnestly hoped that in some manner, the commissioner's report would recommend as to the future course to be pursued in cases of capital punishment that forever would put an end to such occurrences as on Oct. 6 last. It seemed a strange matter to him that while the state ordered that the sentence of the court be carried out, the state provided no means as to how and by whom the hanging should be performed.

In this twentieth century, a hangman must hide his face from the sight of his fellowman, so powerful was public feeling in this regard yet many persons declared that it was the sheriff's duty to carry out the death sentence. He, however, differed with these persons. If such was one of a sheriff's duties, then it would be to men the

stamp of Gill and Doyle that the people must turn to find their sheriffs, as no self-respecting or respected man would be found to undertake such an obligation.

This state, he said, would see that in case of capital punishment, the job should be done by thoroughly competent officials. This case had attracted nationwide attention, said Mr. Ketchum, in conclusion, and he trusted that the commissioner would view the matter from a broad, national standpoint.

"A classic and an eloquent one at that," were the terms used by Hon. W. P. Jones, K. C., on rising, in referring to Mr. Ketchum's address. He had listened to it with the keenest pleasure and he agreed most cordially with what had been said by counsel. Hanging a man was indeed a barbarous custom declared Hon. Mr. Jones. It was a relic of former centuries, when men were strung up at street corners and allowed to hang there for days to act as a deterrent to crime. But he felt the people of Canada were a trifle ashamed of this custom. Their attitude was shown when any bungling was permitted in cases of capital punishment, he said. While the people realized that hanging was the law's decree, they greatly resented any ex-

cess of suffering on the part of the condemned man.

"Are we not to blame for this state of affairs?" asked Hon. Mr. Jones. "We have not proceeded as yet to force any change in this custom." The idea that a man of Abbot Foster's stamp should be forced to hang a man was preposterous. It was no job for any sheriff—an official who was looked up to and trusted in every community. Hangmen were looked down on by the people and this was true of the executioners all down through the ages. The dominion, at least, should provide a trained man for cases of this nature.

The inquiry, he thought, was a necessity in view of the absurdly distorted stories about in the town and the countryside. The inquiry had brought to light the true facts of the case and thus had served its purpose. It would go a little beyond its declared purpose, he felt, in that it might be the starting point towards some beneficial changes in the law regarding capital punishment. Counsel then went on and detailed the efforts of Sheriff Foster to carry through the execution without a hitch. Adjournment was made at the conclusion of Hon. Mr. Jones' address.

APPLE GROWING AND CO-OPERATIVE SELLING

United Farmers' Guide Thinks Business in New Brunswick Could be Successfully Developed

In a letter received from a valued reader in Carleton County, N. B., says the United Farmers' Guide, there is a statement that "there is hardly a farmer around here who does not raise from ten to thirty barrels of apples, the most of them of the finest quality of winter apples. They eat what they can and the rest go to the pigs."

What this farmer has written about his own district will apply to a great many other districts of the Maritime Provinces, outside of the Annapolis and Cornwallis valleys and a few other favored sections. If a single farmer undertakes to market his own crop, he will find that the cost of marketing runs away with all the returns from the crop, if not more. Consequently, he feeds his surplus to his pigs and neglects his orchard. If all of the farmers of the district were to get together and care for their trees and spray their fruit thoroughly during the spraying season, they would be able to market their fruit to advantage. The growing of good apples in New Brunswick has passed the experimental stage. Marketing is, however, the other half of agriculture. It is useless to grow good clean fruit, unless it can be sold at a price which will pay the producer for his time and attention.

In New Brunswick, the marketing of apples has not yet been carried on in a scientific way, although A. G. Turney, the Provincial Horticulturist, has been making splendid efforts to this end.

Apples are tender. They show a bruise very quickly. In order, therefore, that they may be marketed to receive the top price, they must be picked and packed carefully. The experience of other apple growing sections has shown that the growers will get most out of their apples, when they are marketed co-operatively. In all districts where apples can be grown economically, there should be formed a co-operative fruit company to dispose of the surplus just as soon as there are commercial quantities to be sold. In the neighboring province of Nova Scotia, the fruit growers have shown in no uncertain way that the speculator is not required to market the apple crop. Not so many years ago, the farmers in the Nova Scotia fruit belt produced the apples and the speculator took the returns from the crop. It is not so now. Co-operation has solved their marketing problem. The same solution will apply in the other districts of the Maritimes where apples can be grown.

OBSERVANCE OF ARMISTICE DAY

Next Saturday, Nov. 11, is Armistice Day and following the custom throughout the Allied Nations there will be two minutes cessation of all business activities at 11 a.m. in grateful remembrance of the signing of the armistice. The Observer is requested to publish the following letter from Ottawa, addressed to Lieut. Governor Pugsley:

"The Prime Minister has directed me to inform you that His Majesty and the Canadian Government desire that the two minutes silence at eleven o'clock on Armistice Day shall be observed with due solemnity and full appreciation of the important event which it commemorates. It is desired that all municipalities of this Dominion should co-operate to make the observance a reality, and I am directed to request you to take such steps as may be necessary to bring the matter to the attention of the Municipalities in your province in the most effective way.

THOMAS MULVEY,
Sec. of State.

HERBERT MCKENZIE
On Thursday, Nov. 2, Herbert McKenzie passed peacefully away, at home of his son Leslie, at Peel, at the age of sixty-five, after an illness of several weeks of dropsy. He was born in Hampstead and leaves to mourn, his wife one son Leslie, and one daughter, Mrs. Don Brown of Bradford, Maine; three brothers, David of Windsor, John of Queens Co., Wilford of St. John; one sister, Mrs. Ada Hart of Hartland. He was a member of P. M. Church of Armand.

The funeral took place at Carleton Place and was attended by E. H. Giberson, assisted by Eliza Lockhart.

PRODUCE PRICES

Today dealers are paying prices as follows: potatoes \$1.50, hay \$9, oats 35c, dressed pork 10-15c, live hogs 8c, dressed chickens 15 to 20c, butter 20c, eggs 40c.

INSTITUTE ONE OF LARGEST YET HELD

146 Carleton and Victoria Teachers Gather for Forty-fourth Session—Examples of Teaching Given—Officers Elected

The forty-fourth session of the Carleton-Victoria teachers' institute which met at Woodstock last week was one of the largest and most interesting ever held. One hundred and forty-six enrolled. Every session was well attended and great interest taken. The presence of E. W. Robinson, M. P. of Wolfville, and a former teacher and inspector, also of Dr. W. S. Carter, chief superintendent of education, and of L. A. Dowdell, director of rural schools for Nova Scotia, added much to the pleasure and profit of the meetings. D. W. Wallace, president, presided at the meetings.

The first session opened on Thursday morning. The secretary-treasurer, Miss Bessie Fraser, reported a balance on hand of \$27.77. The enrollment fee was fixed at seventy-five cents.

The following committees were appointed: Nomination, J. W. D. Hiehl, G. W. Slipp, Miss Martha Ridd; resolutions, A. D. Jonah, Miss Edith Jones, Miss Rose McSherry, audit, J. K. Treacart, Miss Mary M. Harold, Miss Anita McCrea, Mr. Wallace, Dr. Carter, Mr. Robinson and Inspector Moore gave short addresses, principally on institutes. All expressed pleasure at the large attendance and a hope that the sessions might be helpful.

The first period of the afternoon session was taken up with an interesting address on moral education by Mr. Robinson.

Institute then divided into advanced, intermediate and primary sections. In the advanced section, Miss Mary M. Harold, principal of Plaster Rock superior school, gave an excellent lesson in algebra to a class in grade ten.

In the intermediate section, Miss Julia Neale, of the Woodstock grammar school, gave a carefully prepared lesson in Latin to a class in grade seven.

In the primary section the teachers were much interested in a lesson in reading given to a class in grade two by Miss Anita McCrea, of Arundel Junction. After the session, two Red Cross films were shown for the teachers at the moving picture theatre.

Thursday evening a public meeting was held, when excellent addresses were given by Dr. Carter, Mr. Robinson

son and Mrs. Lawrence, of the Junior Red Cross, Mrs. W. S. Carter, of Fredericton, and Mrs. McKelvey, of Woodstock, sang solos. Messrs. Moore and Sprague, of Woodstock, sang a duet. Refreshments were served by the Woodstock teachers.

The third session on Friday opened at 3 o'clock, when Miss Jessie Lawson, of the Junior Red Cross, gave an interesting address on the work. This was followed by short papers on general topics. Inspector Moore spoke on Arbor Day, Miss Bessie Fraser, of teachers' institutions, and Miss Edith Jones, on examinations. Interesting discussions followed the reading of the papers.

At the afternoon session three more short papers were given: Punishment of pupils, by Miss Deborah Slipp; absence and tardiness, by A. D. Jonah, and Friday afternoon, by Miss Mary Murray.

An exhibition of physical drill was given by a class under the direction of Mr. Hiehl. L. A. Dowdell gave a much enjoyed talk on nature in the schools and its relation to other subjects.

The resolutions committee passed resolutions of thanks to Mr. Robinson, Mr. Dowdell and Dr. Carter, to those who read papers and gave lessons to the executive committee for their work in preparing the programme, to the trustees of Woodstock and the teachers, to Mrs. Lawrence and Miss Lawrence. The committee also expressed loyalty to and support of the New Brunswick Teachers' Association.

A resolution was adopted by the institute that the secretary forward to the board of education a request to have the examiners of the Nature papers in the high school entrance examinations give at least four optional questions.

The following officers were elected: President, D. W. Wallace; vice-president, Miss Julia Neale; secretary-treasurer, Miss Bessie Fraser; assistant secretary, Miss Clara Carson; additional members of the executive, H. S. Woods, Miss Doris Hanson. Institute adjourned to meet next year in Woodstock, time and place to be left to the executive.

HARTLAND CADET CORPS WINS OVER FIVE PROVINCES

Fine Rifle Awarded Hartland Senior Cadet Corps—One of Two Offered in All Canada

During the months of May and June the Canadian Rifle League offered a series of Outdoor Miniature Rifle Competitions. The prizes offered by the Canadian Rifle League were two B. S. A. Model Martini Rifles. One of these was to go to the team making best score in Manitoba or the west and the other was to go to Ontario and the provinces of the east. Hartland Cadet Corps won the latter in competition with all Canada east of Manitoba.

Two teams were entered from the Hartland corps, a junior and senior, and the senior team are the winners of the B. S. A. Rifle awarded to the eastern provinces. This rifle was made by the Birmingham Small Arms Co., Ltd., London, England, and is fitted with a No. 3A aperture and No. 15 combination foresight.

Although the Hartland Corps realized there are several excellent marksmen among the younger boys, they are surprised to be announced the winners of the competitions throughout the five provinces. The Hartland boys are very proud of their prize and during the coming season will be much more interested in Cadet work. There are always opportunities for winning prizes through the Cadets if an earnest try is made, so we hope to hear of them again.

Whether this rifle is subject to further competition for ownership will be announced later.

Mrs. Henry DeWitt and three children of Woodstock have been visiting her parents, Mr. and Mrs. A. E. Plummer.

G. W. Montgomery spent a few days of last week with his brother at Debec.

Ernie W. Gray and family recently returned home to Fort Fairfield from their stay of some weeks in Hartland.

Rev. E. A. Trippe is moving his family to Carleton this week. He will continue in charge of the local church until Dec. 1. No successor has as yet been called.

FORTY YEARS WED

Mr. and Mrs. L. E. McFarland Celebrate Fortieth Anniversary Yesterday Afternoon—Presentations Made

Yesterday afternoon and evening Mr. and Mrs. L. E. McFarland celebrated the fortieth anniversary of their marriage. The reception took place in their cozy home which they have occupied all through the years.

A large number of friends called both in the afternoon and evening. Receiving with Mrs. McFarland were her bridesmaid of years ago, then Miss Minnie Boyer, now Mrs. Charles Burpee of McAdam, the bride's brother, George G. Gray, who at the original ceremony gave the bride in marriage, Mrs. T. S. VanWart, widow of the minister who performed the ceremony, and two other guests of the first wedding—Mrs. and Mrs. William McGee, cousins of the bride.

Guests were met at the door by little grand-daughters of the worthy couple. During the afternoon Mrs. H. D. Keswick poured and Mrs. C. S. Baker and Miss Carrie served. In the evening Mrs. S. S. Miller poured and Miss Mabel Morgan and Miss Myrtle Trites served.

An interesting feature of the evening was the presentation of an address by the older associates of the couple, together with a handsome ruby ring to Mrs. McFarland and sterling salt and pepper shakers to Mr. McFarland. Then the younger married friends made a presentation of a club bag to Mr. McFarland.

Mr. and Mrs. L. E. McFarland have the hearty good wishes of a host of friends, which includes The Observer, and all trust that they may have many more years here, where, during their long residence they have won the highest respect and esteem from all the people.

Miss Susie Hunt went down to Hartland, Saturday to visit over Sunday with Miss Bessie Cherry at the home of the latter's aunt, Mrs. Edwin Caverhill. Both returned home Monday afternoon—Fort Fairfield Review

Just Try an Experiment—
Buy a packet of
"SALADA"
TEA
and see if it is not the most
delicious Tea you ever tasted.
"Most Tea-Drinkers Think It Is."